

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:18-CV-00075-KDB-DCK**

BENJAMIN REETZ,

Plaintiff,

v.

**LOWE'S COMPANIES, INC.;
ADMINISTRATIVE
COMMITTEE OF LOWE'S
COMPANIES, INC; AND AON
HEWITT INVESTMENT
CONSULTING, INC.**

"

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR APPROVAL OF
ATTORNEYS' FEES AND COSTS, ADMINISTRATIVE EXPENSES,
AND CLASS REPRESENTATIVE SERVICE AWARD**

THIS MATTER is before the Court on Plaintiff's motion for Attorney Fees and Costs, Administrative Expenses, and Class Representative Service Award (Doc. No. 248). The Court held a Fairness Hearing on August 26, 2021, after notice of the Fairness Hearing was given to the Settlement Class in accordance with this Court's Order Preliminarily Approving Partial Class Action Settlement, Approving Procedure and Form of Notice Plan, and Scheduling Final Approval Hearing (Doc. No. 234) ("Preliminary Approval Order"). Having now finally approved Plaintiff's Class Action Settlement with Lowe's (Doc. No. 261) and carefully considered all filings and comments submitted to it in connection with Plaintiff's motion for attorneys' fees and other awards, the Court hereby grants the motion as set forth below.

1. Class Counsel's request for an award of \$4,166,666.67 in attorneys' fees is

approved. Having reviewed Class Counsel's application and all applicable legal authorities, the Court finds the requested amount of fees (one-third of the Gross Settlement Amount) to be reasonable and appropriate.

2. Class Counsel's request for litigation expenses in the amount of approximately one-half of the expenses advanced by Class Counsel through the date of Settlement (\$1,225,767 in expenses / \$613,105.46 requested award) is approved, but only in part. The Court has reviewed these expenses and finds that, mostly, they are reasonable and appropriate given the nature of this action. However, the Court finds that expenses should not be awarded for the expert witness fees (\$136,650) paid to David Donaldson (whose testimony was not offered after a motion in limine was filed challenging his testimony) and one-half of the expert witness fees (\$565,770 ÷ 2 = \$282,885) paid to Marcia Wagner (whose planned testimony was heavily directed towards ultimate legal issues (on which she was not permitted to testify) until it was limited after the Court's consideration of a motion in limine). Therefore, Class Counsel's request for litigation expenses will be granted in the amount of \$403,116 (($\$1,225,767 - \$419,535$) ÷ 2).

3. Class Counsel's request for settlement administration expenses in the amount of \$203,045 is approved. The Court has reviewed these expenses (including \$160,545 to the Settlement Administrator; \$2,500 to the Escrow Agent, and \$40,000 to the Independent Fiduciary), and finds that they are reasonable and appropriate.

4. Plaintiff's request for a class representative service award in the amount of \$10,000 is approved. The Court finds this award to be justified under the facts of this case and consistent with applicable legal authorities.

SO ORDERED ADJUDGED AND DECREED.

Signed: October 12, 2021



Kenneth D. Bell
United States District Judge

